

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric  
Company (U 902-E) for an Order Implementing  
Assembly Bill 265.

Application 00-10-045  
(Filed October 24, 2000)

Application of San Diego Gas & Electric  
Company (U 902-E) for Authority to Implement  
an Electric Rate Surcharge to Manage the Balance  
in the Energy Rate Ceiling Revenue Shortfall  
Account.

Application 01-01-044  
(Filed January 24, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING  
SHORTENING TIME TO RESPOND TO ANY APPLICATIONS  
FOR REHEARING OF D.01-09-059**

Decision (D.) 01-09-059 was adopted by the Commission at the meeting of September 20, 2001 and mailed to the parties on the same date. The decision construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 of the Legislature's First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Pub. Util. Code § 1731, and added Pub. Util. Code § 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing, applying, or implementing the provisions of AB1X must be filed within ten days

after the date of issuance of the decision. Accordingly, applications for rehearing of D.01-09-059 are due ten days after the issuance of that decision.<sup>1</sup> Because the tenth day after issuance of the decision is a Sunday, applications for rehearing must be filed not later than the following day, i.e., by October 1, 2001.

Section 1731(c) also requires the Commission to “issue its decision and order on rehearing within 20 days after the filing of that application.” On September 26, 2001, the Commission issued a press release announcing that the Commission would be holding meetings during the month of October on October 2, 10, and 25, 2001. October 25 is after the date on which any decision and order on rehearing of D.01-09-059 must be issued, so the Commission will need to take up consideration of any applications for rehearing not later than October 10.

Pursuant to Rule 86.2 of the Commission’s Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, under the expedited schedule, responses would not be due until after the October 10 Commission meeting. Therefore, to permit parties an opportunity to respond to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,<sup>2</sup> the time for filing a response to any application for rehearing shall be shortened to October 5, 2001. Accordingly, any party planning to file a response to any application for

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<sup>1</sup> The Commission specifically noted the applicability of § 1731(c) to D.01-09-059, and in particular the 10-day time for filing applications for rehearing, at page 46 of the decision.

<sup>2</sup> See Rule 86.2 of the Commission’s Rules of Practice and Procedure.

rehearing that may be filed shall file and serve the response on or before October 5, 2001. Any response shall be served by electronic mail on those parties who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any responses shall also be electronically served on the following Commission staff: Geoffrey Dryvynsyde (gbd@cpuc.ca.gov) and Mary McKenzie (mfm@cpuc.ca.gov).

Therefore, **IT IS RULED** that the time for filing a response to any application for rehearing of Decision 01-09-059 that may be filed shall be shortened. Any party filing a response to such application for rehearing shall file the response on or before October 5, 2001, and shall serve the response in the manner specified above.

Dated September 28, 2001, at San Francisco, California.

/s/ MARK S. WETZELL

Mark S. Wetzell  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time to Respond to Any Applications for Rehearing of D.01-09-059 on all parties of record in this proceeding or their attorneys of record.

Dated September 28, 2001, at San Francisco, California.

/s/ KE HUANG

Ke Huang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.